

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #4	CCRB Case #: 201909489	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/31/2019 6:40 AM	Location of Incident: East 167th Street and Boston Road	Precinct: 42	18 Mo. SOL 4/30/2021	EO SOL 12/15/2021	
Date/Time CV Reported Thu, 10/31/2019 9:14 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 10/31/2019 9:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Tirado	07090	966368	042 PCT
2. POM Tracy Newland	04487	964680	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Tirado	Abuse: Police Officer Nicholas Tirado stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Tracy Newland	Abuse: Police Officer Tracy Newland stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
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§ 87(4-b), § 87(2)(g)		

Case Summary

On October 31, 2019, § 87(2)(b) filed this complaint on the CCRB website.

On October 31, 2019, at approximately 6:40 AM, Police Officer Nicholas Tirado and Police Officer Tracy Newland, both of the 42nd Precinct, pulled § 87(2)(b) and § 87(2)(b) over in the vicinity of East 167th Street and Boston Road in the Bronx (**Allegations A and B - Abuse of Authority - § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

There were no arrests made or summons issued as a result of this incident.

There is no video evidence regarding this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nicholas Tirado stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Tracy Newland stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) was driving her car, and § 87(2)(b) was sitting in the passenger's seat. § 87(2)(b) stated that she was driving at approximately ten miles-per-hour and at approximately an eight-foot distance behind the marked van. PO Tirado and PO Newland pulled her over and told her that she was driving too close to the officers' marked police van (BR 01). § 87(2)(b) stated that § 87(2)(b) was driving at approximately ten miles-per-hour and at approximately a four-foot distance behind the marked van (BR 02).

PO Tirado (BR 03) and PO Newland (BR 04) stated that they were driving on a one-lane road in a school zone on a school day. It was rush hour and there was a lot of traffic. Both officers noticed § 87(2)(b)'s car driving too closely behind their marked van. § 87(2)(b) was driving at approximately twenty-five miles per hour and was less than a five-foot distance behind the marked van. According to PO Tirado, a car should maintain a distance of 200 feet. According to PO Newland, a car should maintain a distance of at least one car's length. Both officers stated that if they were to brake, § 87(2)(b)'s car would have crashed into them. The officers decided to pull § 87(2)(b) over to address the condition. PO Tirado stated that he used his discretion and gave § 87(2)(b) a warning instead of issuing her a summons.

New York City Department of Transportation Traffic Rule - Section 4-07(g) (BR 16) states that the operator of any vehicle other than one on official public business shall not follow any emergency vehicle traveling in response to an emergency call closer than two hundred feet. New York State Vehicle and Traffic Law - Section 1129 (BR 05) states that the driver of a motor vehicle shall not follow another vehicle more closely than is reasonable, having due regard for the speed of such vehicles, the traffic, and the condition of the road.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 11).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 12).
- PO Nicholas Tirado has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Tracy Newland has been a member of service for two years and has been a subject in two other CCRB complaints and two other allegations, with no substantiations. ■

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 13).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 14).
- As of December 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to this complaint (BR 15).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date